

PB# 96-4

WALMART SD

4-1-3

96 - 4 Wal-Mart Subdivision
Union Ave. (Shaw)

Approved 6-24-96

MADE IN U.S.A.
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New Windsor, NY

DATE February 16, 1996 RECEIPT NUMBER 96-4RECEIVED FROM Shaw EngineeringAddress P.O. Box 2569 - Newburgh, N.Y. 12550FOR Eight Hundred 00/100 DOLLARS \$800.00FOR Commercial Subdivision Easement (2 Lots)

ACCOUNT			HOW PAID		
BEGINNING BALANCE	800	00	CASH		
AMOUNT PAID	800	00	CHECK	#8021	
BALANCE DUE	-0	-	MONEY ORDER		

BY J. Zappala
Thomas Mason Secy. to the P.B.TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15293

Feb. 20 1996Received of Shaw Engineering \$ 50.00Fifty 00/100 DOLLARSFor Planning Board 96-4

DISTRIBUTION

FUND	CODE	AMOUNT
<u>ck #8020</u>		<u>50.00</u>

By Dorothy H. HansenTown Clerk
TitleTOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15610

June 24 1996Received from Shaw Engineering \$ 350.00Two Hundred Fifty and 00/100 DOLLARSFor Planning Board Approval Fee #96-4

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>ck #8141</u>		<u>350.00</u>

By Dorothy H. HansenTown Clerk
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

New Windsor, NY

555 Union Ave.

New Windsor, NY 12553

DATE June 21, 1996 RECEIPT NUMBER 96-4RECEIVED FROM Shaw EngineeringAddress P.O. Box 2569 - Newburgh, N.Y. 12550FOR Five Hundred 00/100 DOLLARS \$500.00FOR P.O. Box 2569 - Newburgh, N.Y. 12550

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

15233

Feb 20 1996

Received of Shaw Engineering \$ 50.00
Fifty 00/100 DOLLARS

For Planning Board 96-4

DISTRIBUTION

FUND	CODE	AMOUNT
CK # 8020		50.00

By Dorothy H. Hansen

Town Clerk

Title

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12553

General Receipt

15610

June 24 1996

Received from Shaw Engineering \$ 250.00
Two Hundred Fifty and 00/100 DOLLARS

For Planning Board Approval Fee #96-4

DISTRIBUTION:

FUND	CODE	AMOUNT
CK # 8141		250.00

By Dorothy H. Hansen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Wilson Jones - Carbonless - S1642-4W CL Duplicate - S1644-4WCL Triplicate
Planning Board
555 Union Ave.
New Windsor, N.Y. 12553
MADE IN U.S.A.
© Wilson Jones, 1989

DATE June 21, 1996 **RECEIPT** NUMBER 96-4
RECEIVED FROM Shaw Engineering
Address P.O. Box 2569 - Newburgh, N.Y. 12550
Five Hundred 00/100 DOLLARS \$ 500.00
FOR One Lot Recreation Fee

ACCOUNT			HOW PAID		
BEGINNING BALANCE	500	00	CASH		
AMOUNT PAID	500	00	CHECK	#8142	
BALANCE DUE	- 0 -		MONEY ORDER		

J. Zappala
BY Mura Mason, Secy to the P.B.

6/18/96
Geng \$95.00

Map Number 120-96 City [x] 96-4
Section 4 Block 1 Lot 3 Town [x] New Windsor
Village []

Title: Wal-Mart Stores, Inc.
(1 sheet)

Dated: Feb. 1, 1996 Filed: June 26, 1996

Approved by Edward Stent

on June 24, 1996

Record Owner Wal-Mart Stores Inc.

JOAN A. MACCHI
Orange County Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/24/96

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 96-4

NAME: WAL-MART STORES, INC. - SUBDIVISION
APPLICANT: WAL-MART STORES, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
06/24/96	PLANS STAMPED	APPROVED
04/24/96	P.B. APPEARANCE	ND: APPROVED
02/28/96	P.B. APPEARANCE	LA: WVE. PH - RETURN . MARK TO SEND LETTER TO TOWN OF NEWBURGH FOR THEIR REVIEW

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/24/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
RECREATION

FOR PROJECT NUMBER: 96-4

NAME: WAL-MART STORES, INC. - SUBDIVISION
APPLICANT: WAL-MART STORES, INC.

---DATE---	DESCRIPTION-----	TRANS	---AMT-CHG	-AMT-PAID	---BAL-DUE
06/18/96	RECREATION FEE 1 LOT	CHG	500.00		
06/21/96	REC. CK. #8142 (SHAW)	PAID		500.00	
		TOTAL:	500.00	500.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/24/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 96-4

NAME: WAL-MART STORES, INC. - SUBDIVISION
APPLICANT: WAL-MART STORES, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
/ /		PAID		0.00	
06/18/96	P.B. APPROVAL FEES	CHG	250.00		
06/21/96	REC. CK. #8141 (SHAW)	PAID		250.00	
		TOTAL:	250.00	250.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/24/96

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 96-4

NAME: WAL-MART STORES, INC. - SUBDIVISION
APPLICANT: WAL-MART STORES, INC.

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	02/16/96	EAF SUBMITTED	02/16/96	WITH APPLICATION
ORIG	02/16/96	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	02/16/96	LEAD AGENCY DECLARED	02/28/96	TOOK L.A.
ORIG	02/16/96	REQUEST FOR INFORMATION	/ /	
ORIG	02/16/96	DECLARATION (POS/NEG)	04/24/96	DECL NEG DEC
ORIG	02/28/96	EAF SUBMITTED	/ /	
ORIG	02/28/96	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	02/28/96	LEAD AGENCY DECLARED	/ /	
ORIG	02/28/96	REQUEST FOR INFORMATION	/ /	
ORIG	02/28/96	DECLARATION (POS/NEG)	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/24/96

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 96-4

NAME: WAL-MART STORES, INC. - SUBDIVISION
APPLICANT: WAL-MART STORES, INC.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	02/16/96	MUNICIPAL HIGHWAY	02/21/96	APPROVED
ORIG	02/16/96	MUNICIPAL WATER	02/21/96	APPROVED
ORIG	02/16/96	MUNICIPAL SEWER	03/26/96	APPROVED
ORIG	02/16/96	MUNICIPAL FIRE	02/28/96	APPROVED

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 06/24/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 96-4

NAME: WAL-MART STORES, INC. - SUBDIVISION
APPLICANT: WAL-MART STORES, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/16/96	REC. CK. #8021	PAID		800.00	
02/28/96	P.B. ATTY. FEE	CHG	35.00		
02/28/96	P.B. MINUTES	CHG	54.00		
04/24/96	P.B. ATTY. FEE	CHG	35.00		
04/24/96	P.B. MINUTES	CHG	18.00		
06/18/96	P.B. ENGINEER FEE	CHG	95.00		
06/24/96	RET. TO SHAW ENG.	CHG	563.00		
TOTAL:			800.00	800.00	0.00

*Please issue a check in
the amount of \$563.00 to:*

*Shaw Engineering
P.O. Box 2569
Newburgh, N.Y. 12550*

P.B. #96-4 Recreation fee

8142

SHAW ENGINEERING 561-3695
744 BROADWAY, P.O. BOX 2569
NEWBURGH, NY 12550

29-1/213

PAY
TO THE
ORDER OF

Town Of New Windsor

\$ 500.00

Five Hundred ⁰⁰/₁₀₀

DOLLARS



FOR

Wet-More Recreation Fee

MP

⑈008142⑈ ⑆021300019⑆ 51510 00390⑈

P.B. #96-4 Approval fee

8141

SHAW ENGINEERING 561-3695
744 BROADWAY, P.O. BOX 2569
NEWBURGH, NY 12550

29-1/213

PAY
TO THE
ORDER OF

Town Of New Windsor

\$ 250.00

Two Hundred Fifty ⁰⁰/₁₀₀

DOLLARS



FOR

Wet-More Subdiv. Fee

MP

⑈008141⑈ ⑆021300019⑆ 51510 00390⑈

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 50.00

ESCROW:

RESIDENTIAL:

___ LOTS @ 150.00 (FIRST 4 LOTS).....\$ _____
___ LOTS @ 75.00 (ANY OVER 4 LOTS).....\$ _____

COMMERCIAL:

___ LOTS @ 400.00 (FIRST 4 LOTS).....\$ _____
___ LOTS @ 200.00 (ANY OVER 4 LOTS).....\$ _____

TOTAL ESCROW DUE....\$ _____

* * * * *

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00
PRELIMINARY PLAT APPROVAL\$ 100.00
FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 110.00
FINAL PLAT SECTION FEE.....\$ 100.00
BULK LAND TRANSFER...(\$100.00).....\$ _____

TOTAL SUBDIVISION APPROVAL FEES.....\$ 250.00

* * * * *

RECREATION FEES:

1 LOTS @ \$500.00 PER LOT\$ 500.00

* * * * *

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES.....\$ _____
PLANNING BOARD ATTORNEY FEES.....\$ _____
MINUTES OF MEETINGS.....\$ _____
OTHER.....\$ _____

* * * * *

PERFORMANCE BOND AMOUNT.....\$ _____

4% OF ABOVE AMOUNT.....\$ _____

ESTIMATE OF PRIVATE IMPROVEMENTS: \$ _____

2% OF APPROVED COST ESTIMATE:.....\$ _____
(INSPECTION FEE)



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

10 June 1996

MEMORANDUM

TO: Myra Mason, Planning Board Secretary

FROM: Mark J. Edsall, P.E., Planning Board Engineer

SUBJECT: WAL-MART STORES SUBDIVISION
REVIEW OF FINAL PLAN
NEW WINDSOR PLANNING BOARD NO. 96-4

I have reviewed the final subdivision plan as referenced above. I am aware of no outstanding requirements or conditions of approval with regard to this subdivision.

Based on the above, once all the fees have been paid and adequate copies of the plans have been received, I am aware of no reason why the plans could not be stamped with the Planning Board approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark J. Edsall', written over a horizontal line.

Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:6-10-2E.mk

fee? \$95.00

WAL-MART SUBDIVISION (96-4) UNION AVENUE

Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: I think we have come to the end of a long road on the next two applications. The first thing I'd like to speak to is the subdivision for Wal-Mart Stores Inc. This application has been before you a few times and it's tied into the next application which is the bank for Hudson Valley Federal Credit Union but in speaking to this application, the parcel that we're talking about is obviously located in the Town of New Windsor and it abuts up against the Town of Newburgh line located on Union Avenue immediately south of the existing drive to Wal-Mart. The land is owned by Wal-Mart, they own approximately 10.75 acres of land in the Town of New Windsor. We're proposing to subdivide that parcel in the Town of New Windsor to create a 1.02 acre lot. The subdivision plan before you reflects easements, there's an existing slope easement we're proposing an easement over the existing access drive of Wal-Mart in the Town of Newburgh. In order to access this site, we're also proposing a site improvement easement that is the improvement easement in order for us to install some miscellaneous paving, some curbing and some storm drainage again in the Town of Newburgh. We have been to the Town of Newburgh with regard to the second application that being for the bank and I'll get into more detail with that later but I do have conditional final site plan approval for those improvements in the Town of Newburgh with respect to this application and improvement for the easements over the lands in the Town of Newburgh that being the drive.

MR. PETRO: The requirements that the Town of Newburgh has put forth, is it on the subdivision or is it on the site plan?

MR. SHAW: The conditional.

MR. PETRO: Does it affect this particular site plan?

MR. SHAW: No, their conditions were one that Wal-Mart replaces their existing bond for landscaping with a

maintenance bond, that was one condition. The second condition was that for the four trees that are being planted in the 17 junipers that are being planted by the bank and in the Town of Newburgh they wanted \$1,100 posted as security by the bank to ensure that they get planted and the third is that they have on file a private road agreement between Wal-Mart parcel and the balance of the land in the Town of New Windsor to utilize this drive. Those were the three conditions that I, that my approval in the Town of Newburgh was based upon, none of which affects the subdivision application.

MR. PETRO: I want to proceed with the subdivision at this particular time regarding that, we'll read those into the minutes or you have already done that when it comes time for an approval if we get that far on the site plan part of it but not on the subdivision. Is everyone in agreement with that?

MR. DUBALDI: Yes.

MR. KRIEGER: No problem.

MR. PETRO: Okay, we have reviewed this I believe three times.

MR. SHAW: Very close.

MR. PETRO: I know you have been to the zoning board also.

MR. SHAW: Correct, that was for the bank site for some side yard setbacks and also building height.

MR. PETRO: We have fire approval on 2/28/96, we have water approval, 2/21/96 and highway approval, 2/21/96 and sewer approval on 3/26/96.

MR. DUBALDI: Make a motion we declare negative dec on the Wal-Mart minor subdivision.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the

New Windsor Planning Board declare negative dec on under SEQRA for the Wal-Mart minor subdivision on Route 300 in New Windsor. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI AYE
MR. STENT AYE
MR. LUCAS AYE
MR. PETRO AYE

MR. PETRO: Any other outstanding comments you want to make?

MR. EDSALL: Just something I want to enter into the record, Jim, early on when the applicant came in and discussed with us the site plan we requested that they consider granting the Town of New Windsor an easement because the front of this property is immediately adjacent to the interconnect vault for the Town of Newburgh Town of New Windsor water interconnect which of late is used quite a bit and we need to make some improvements there and provide access from other than in the traveled lanes of the state highway, the applicant being Hudson Valley Federal Credit Union was very cooperative but because they don't own the parcel as of yet, they can't give us the easement, so the supervisor being a person who's very interested in making sure we get this easement, I have explained to him that this subdivision plan can't reflect the easement because they don't own the land yet, however, understand that the subsequent site plan application which is lot one of this subdivision will have an easement that will hence be recorded so I just want to make it clear as to why anyone in the future may look to see why the easement isn't reflected that is because they don't own the property.

MR. PETRO: So read into the minutes, thank you. Mike, do you have anything else to add?

MR. STENT: No.

MR. DUBALDI: No. Make a motion we grant final

approval to the Wal-Mart minor subdivision.

MR. LUCAS: We have to waive public hearing.

MR. EDSALL: We did that.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Wal-Mart minor subdivision on Union Avenue and Route 300. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LUCAS	AYE
MR. PETRO	AYE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

REVIEW NAME: WAL-MART MINOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 300 (UNION AVENUE)
SECTION 4-BLOCK 1-LOT 3
PROJECT NUMBER: 96-4
DATE: 24 APRIL 1996
DESCRIPTION: THE APPLICATION INVOLVES THE MINOR SUBDIVISION
OF AN 11.7 +/- ACRE PARCEL INTO TWO (2) LOTS. THE
PLAN WAS PREVIOUSLY REVIEWED AT THE
28 FEBRUARY 1996 PLANNING BOARD MEETING.


1. Subsequent to this application being reviewed at the 28 February 1996 Planning Board meeting, the matter was referred to the Town of Newburgh Planning Board for comment and SEQRA Lead Agency Coordination. By letter dated 11 April 1996, the Town of Newburgh Planning Board has concurred with the Town of New Windsor Planning Board acting as Lead Agency. As well, Newburgh Planning Board Chairman John P. Ewasutyn outlined various submittals and information required of this Applicant, to be made to the Newburgh Planning Board for processing of this request. The Board may wish to discuss, with Mr. Shaw, the status of the applications and approvals to the Newburgh Planning Board.
2. Other issues exist with regard to the site plan development, although they are being considered under Application No. 96-3, and not as part of this minor subdivision application. At this time, I am aware of no outstanding technical issues with regard to this application, although procedural matters should be concluded.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: WAL-MART MINOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 300 (UNION AVENUE)
SECTION 4-BLOCK 1-LOT 3
PROJECT NUMBER: 96-4
DATE: 24 APRIL 1996

3. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
4. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:WALMART2.mk

RESULTS OF P.B. MEETING

DATE: April 24-96

PROJECT NAME: Walmart Sub. PROJECT NUMBER 96-4

* * * * *

LEAD AGENCY:

* NEGATIVE DEC:

M) S) VOTE: A N

* M) D S) W VOTE: A 4 N 0

CARRIED: YES NO

* CARRIED: YES: ✓ NO

* * * * *

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) D S) S VOTE: A 4 N 0 APPROVED: 4-24-96

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

I. of New Windsor esement is on Site Plan

REGULAR ITEMS:

WAL-MART SUBDIVISION (96-4) UNION AVENUE

Gregory Shaw, P.E. of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Okay, gentlemen, while this is the first time this application is before you, it's not the first time you have seen this property. We have made application under the name of Hudson Valley Federal Credit Union to construct a bank on the property of Wal-Mart Retail Stores, Inc. which is on the town of New Windsor, Town of Newburgh line, geographically, the entrance drive that goes into Wal-Mart immediately on the left. This board rejected the application for site plan approval for the bank, we went to the Zoning Board of Appeals, we were successful Monday night in getting all our variances. So we'll be coming back to this board hopefully at the next meeting to start finalizing the site plans of the bank site. But this application, what this application is to create the one acre lot that the bank is going to sit on. Presently, the parcel is about 11.75 acres. And it is bounded on Union Avenue and also on Liner Road. What we're doing is subdividing a one acre parcel from this piece and that will leave a parent parcel of 10., excuse me, the residual parcel of 10.73 acres. If you look at the zoning schedule, this is in a C zone, design shopping, we're required to provide 40,000 square feet lot area and we comply with both lots on each and every respect. So, it's a relatively simple application in that we're creating a one acre parcel. Access to the parcel as you'll see on the easement will be over the existing access drive of Wal-Mart. We will not be creating a curb cut onto Union Avenue, we will be utilizing the existing traffic lanes and the light which acts as Wal-Mart's retail stores. So, Mr. Chairman, that is a quick overview of it and again, we'll get into more detail when the bank's application comes before you.

MR. DUBALDI: Any plans for lot 2 yet?

MR. SHAW: No, none whatsoever, no.

MR. LANDER: You said you went to zoning?

MR. SHAW: Yes.

MR. LANDER: Was there any people at the zoning board meeting?

MR. SHAW: No, there was within 500 feet of the property I believe there was 6, maybe 8 notices sent, that is all.

MR. KRIEGER: I would have said, my memory said seven but--

MR. SHAW: And the only one that spoke was John Holman.

MR. KRIEGER: Said he had no objection, he raised some questions and provided some information but specifically said he had no objection.

MR. SHAW: Hudson Valley Credit.

MR. PETRO: Mark, I have a question I think I'll direct to you first. This is lot, once the new lot line is put in, is going take to break off lot number 2 to access Union Avenue?

MR. EDSALL: Yes.

MR. PETRO: Therefore, not having any frontage on Union Avenue and making the only way to access lot number 2 would be on the road going into Wal-Mart, correct?

MR. EDSALL: Yes, you're correct.

MR. EDSALL: Is that a town road or is this a private road going in there?

MR. EDSALL: As a matter of fact, it looks as if lot 2 would have no access to Union Avenue, it would have access still on Liner Road, so it's not as if it's I guess technically being landlocked, but it may not be a, of course let me just ask you a question, lot 2 would be still owned by the same owner of the Wal-Mart complex?

MR. SHAW: Correct.

MR. EDSALL: Normally if it had no frontage on Liner Road, I'd suggest that there be some access rights maintained I think that is where you are headed.

MR. PETRO: Even road maintenance agreement, some way to keep access to lot number 2, but the other road like you say does have access, I didn't see that before I started my question.

MR. LANDER: Liner Road is a town road?

MR. BABCOCK: Yes.

MR. EDSALL: There's one thing to remember as far as the zoning ordinance goes, some zones and some uses require frontage in the C zone, many of the uses do not require street frontage. They effectively allow open area type subdivisions with private accesses. So inasmuch as it's the same property owner as the Wal-Mart complex and has got Liner Road, I don't see a problem.

MR. SHAW: From a practical point of view, that parcel of land has one value, if you are going to access it off Liner Road, has a much greater value than if you are going to access it off the drive that services Wal-Mart, so I think projecting into the future, if and when that lot gets developed, it will be accessed off the drive and will be back before this board with an easement over the drive.

MR. PETRO: If your client should sell lot number 2 to another party and at that time they should come back before the board, they do not necessarily have to grant them an access off of this Wal-Mart road.

MR. SHAW: Correct, if for some crazy reason they fall in love with Liner Road, they could access it off Liner Road.

MR. LANDER: They still have access.

MR. SHAW: Yes.

MR. LUCAS: Liner Road is a dead-end though, isn't it?

MR. SHAW: I believe so.

MR. LUCAS: Any utilities on that road?

MR. SHAW: There's some sewer there, how far back it goes, I believe there's just a couple homes on Liner Road. I think the sewer services those two homes.

MR. LUCAS: You know, this is maybe later on, but would you find where people that want to go to the bank may park here and want to walk across that. Can we illuminate that, does that sound--

MR. SHAW: No, I don't think that is a concern. Again, going by memory, the site plan for the bank consists of a building 4,500 square feet which means we're required according to your zoning ordinance to provide 15 spaces. We're providing I think 39.

MR. LUCAS: For personnel and everything?

MR. SHAW: Exactly, so we have more than enough parking to accommodate their needs, both short and long term.

MR. LUCAS: I went over there and took a look, it is pretty steep, the bank will sit up a little bit?

MR. SHAW: The bank is going to sit up a little bit and there's going to be a reinforced concrete retaining wall along the property line that abuts Arnoffs.

MR. PETRO: We can get into this on site plan review.

MR. DUBALDI: Declare negative dec under SEQRA.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Wal-Mart subdivision on Union Avenue. Is there any further discussion from the board members? If not,

roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: This is Greg or Mark, did we send anything to the Town of Newburgh and they named us back as lead agency for the adjoining town?

MR. EDSALL: Well, I think on the site plan you might of but for this application, I don't believe you sent them anything. And as I say in my comments, it's the first night for this application, you're creating two easements within the Town of Newburgh in connection with this application, which is in the Town to New Windsor. So my suggestion is that although you can go through SEQRA and they are not an involved agency to my understanding, we may want to get ahold of them before we close out the application and I'd be happy to do that as I suggested, a suggestion in my comments obviously they had their input when it comes to the site plan because they've got to approve the improvements that are over the town line, but are part of the bank's project.

MR. PETRO: I think in creating the subdivision, I don't necessarily see where it directly involves the town at this time. I think they should be notified for the site plan, see if they have any input at that time. Do you find that to be acceptable?

MR. EDSALL: Only for one thing, they can't do anything until they got both approvals, so I don't think there's a race that needs to occur here. What I am concerned about is that their ordinance may address shared use of driveways and such and we're creating an easement that allows for shared use of this driveway and we have no jurisdiction cause it's in the Town of Newburgh. We should give them the courtesy of finding out what their law says and resolve the easement issues and I'm sure

we can do that quick enough, that it will be in place when they come back for the site plan. Let's get everything else out of the way and leave that as the only open issue.

MR. PETRO: We can review this and the site plan at the same night we can do the final and go into the site plan.

MR. SHAW: Correct.

MR. PETRO: In the meantime, they have time to respond.

MR. LANDER: We also have the issue of the state easement along Union Avenue, I think.

MR. KRIEGER: Comment number one.

MR. PETRO: Give a brief overlay of that, Mark.

MR. EDSALL: In reviewing the subdivision plan and revisions, the various easements that are being created I also took note of an existing easement that is depicted on the upper left-hand corner of the plan, it's a permanent slope maintenance easement to the benefit of the State DOT that was apparently created when Union Avenue was being improved and there was some grading done. The town ordinance or the town zoning definition subtracts areas within easements when you compute the lot area. But in the definition, and I'll pause, the lot area definition says total horizontal area included within the property lines of a lot but specifically excluding areas of lots covered by easements right-of-ways and encumbrances are otherwise precluded from development, the question becomes and I believe the intent was to eliminate areas that are previewed included from development or have utilities installed in them.

MR. SHAW: Encumber the property.

MR. EDSALL: The difficulty here is that although it's a permanent type easement, it's purely for the benefit of the DOT coming in to maintain a slope. And if you look at the easement which upon seeing this problem I

had Greg send me a copy of the easement, it specifically starts, if I can find it.

MR. LANDER: The long and short of it is that it doesn't encumber the development of that property and Mark will read it there but that is basically what it says.

MR. PETRO: They are going to level it down anyway so that it doesn't exist.

MR. EDSALL: The other point that should be remembered is that Greg's site plan that is coming with this is a sister application, eliminates the slope and creates a parking lot so they have nothing to maintain so if you take that area out, they don't have much to maintain at all. It seems silly to subtract it and I don't believe the intent of the law or the wording would lead to that but again, it's your decision.

MR. LANDER: Well, there may be, Andrew, what do you, should we--

MR. KRIEGER: After he finds the words and shows me the easements, I'll tell you.

MR. SHAW: The words have been found.

MR. EDSALL: It states in the easement documents reserving however to the owner of any right, title or interest in and to the property described above and such owners, successors or assigns. The right of using such property in such and such use shall not be further limited or restricted under this easement beyond that which is necessary to effectuate its purpose for and established by the construction as so constructed. The maintenance of the herein identified project which is a slope.

MR. SHAW: Just to add to my two cents, I think when the zoning ordinance was revised, it was written in the spirit that if there was an easement that encumbered the property that took away land from the lot that the lot should have a net value of the minimum that is in the zoning ordinances, easements for water, sewer,

drainage or right-of-ways. This easement while it is a permanent easement and it is DOT, really doesn't encumber the property, it doesn't constrict or affect it.

MR. PETRO: I agree.

MR. SHAW: Because of that, I think the 44,500 square feet which is what lot number one is will, should stand as opposed to having that easement deducted from it.

MR. PETRO: Any objections to that reasoning? I think Mark you're concurring with that, correct?

MR. EDSALL: I fully support that.

MR. PETRO: I think Andy does also.

MR. KRIEGER: Yes, Andy does also.

MR. PETRO: Let's move on to a different matter.

MR. DUBALDI: Amen.

MR. PETRO: Why don't we put off the public hearing until we hear back from the Town of Newburgh, we can do that.

MR. BABCOCK: You don't have to have a public hearing.

MR. PETRO: I know we don't but we don't need to take action on it tonight.

MR. KRIEGER: You don't need to decide whether or not to have it so--

MR. PETRO: He just had a public hearing on zoning.

MR. KRIEGER: If you scheduled a public hearing assuming that it invokes the kind of interest that this application has invoked in the past, it would be in effect a little different than the next appearance anyway since they have to come back, call it a public hearing, get it out of the way, if you don't want to have one, don't worry about it.

MR. PETRO: Frankly, I was at the public hearing myself cause I happened to be at the zoning board that night and there was no interest whatsoever so I don't find it necessary.

MR. DUBALDI: I make a motion we waive public hearing.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive public hearing.

MR. LANDER: I thought we were going to wait until the Town of Newburgh responded?

MR. EDSALL: You have to wait for approvals.

MR. DUBALDI: We're not approving it.

MR. KRIEGER: Wait to approval until after they respond so you can take that into account but public hearing, they are not going to show up here anyway, they are going to voice whatever objections they have directly.

MR. BABCOCK: The thing is is that if you are, if there is doubt in your mind to have a public hearing tonight, tell them yes, let's go with it so when they do come back next time cause if they come back next time, then they have to schedule a public hearing, they have to come back again.

MR. PETRO: We have a chance to have a public hearing on the site plan anyway, we don't necessarily have to do it and draw that line there.

MR. EDSALL: Just a technical comment, I don't think you could have a public hearing that would address the easements because you would be having a public hearing for something out of the Town of New Windsor so again, for what you have in New Windsor, there is nothing, there is nothing to have a public hearing on.

MR. PETRO: Is there any further discussion? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Fire approval on 2/28/96, highway approval on 2/21/96. I want to go back to one other statement as I stated before, access off of the Wal-Mart drive, is there a name to that drive?

MR. SHAW: No, there is not, I believe.

MR. EDSALL: My understanding from talking to Bob Rogers now that it has more than one user, that he will be coordinating with Newburgh's fire inspector relative to creating a name and now creating numbers.

MR. LANDER: Was that your question?

MR. PETRO: No, I want to go back to the access to lot number 2 off Wal-Mart drive, would there be an objection of drawing an access or curb cut showing how.

MR. SHAW: Yes, there would be, I'm dealing with Wal-Mart Retail Stores, Inc. out of Arkansas and in dealing with them, they are very thorough and I don't want to use the word difficult, but maybe that is an appropriate term, they do not want to hamper or effect the possible development of any of their property unnecessarily. Perfect example is I have an access easement to the bank site, that easement originally went to the end of the property. They only wanted me to go as far as the curb cut, they wanted to minimize any encumbrances on their property and again, as you develop lot number 2, wherever the entranceway is that is where the access easement is going to stop, not 20 feet passed there, so now if I go back to Wal-Mart and say I want to bring an access easement for lot number 2, 200 feet into your property, I don't know if they'll go for it.

MR. PETRO: Again, I go back to what I said before,

this theory only works as long as Wal-Mart Inc. owns where they own presently and lot number 2 that is being created once they sell lot number 2, they do not have to by any stretch of the imagination give access over their Wal-Mart road.

MR. SHAW: Correct, but if you are a businessman and you're going to buy lot number 2 which is a, which is 11 acres, it's only common sense that if I have a choice of accessing over Wal-Mart's drive or off Liner Road I'm coming in off Wal-Mart's drive, that is where the traffic is.

MR. PETRO: You're saying it's going to be part of the deal if they should sell it?

MR. SHAW: You're looking at a magnitude of three or four and the value of the real estate just where you access it off the macadam drive or Liner Road.

MR. KRIEGER: What I understand you to say whoever owns lot number 2 at the time that it is sold be it Wal-Mart or anybody else, if they want to get money for it, the most money for it they are going to have to have access onto what we call for convenience sake Wal-Mart drive?

MR. SHAW: Absolutely.

MR. KRIEGER: If they show no access there to restrict them to access off Liner Road, they are going to get a great deal less money for the property?

MR. SHAW: And you as a potential buyer, if you were buying the lot, where do you want to access it from?

MR. PETRO: Once again, your argument is so good that I am just going to back off it and not going to think about it again. You have convinced me.

MR. SHAW: You're trying to set a record, that is why.

MR. PETRO: we'll see you the next time we see you.

MR. SHAW: I hope to be before the board in two weeks for final drawings for the bank site, maybe at the next

February 28, 1996

20

meeting we can wrap it all up.

MR. PETRO: Someone going to coordinate a letter to Newburgh?

MR. EDSALL: Yes, to the Town of Newburgh.

MR. SHAW: Thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: WAL-MART MINOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 300 (UNION AVENUE)
SECTION 4-BLOCK 1-LOT 3
PROJECT NUMBER: 96-4
DATE: 28 FEBRUARY 1996
DESCRIPTION: THE APPLICATION INVOLVES THE MINOR SUBDIVISION
OF AN 11.7 +/- ACRE PARCEL INTO TWO (2) LOTS. THE
PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The project is located within the "C" Zoning District. The bulk information shown on the plan appears correct for the Zoning District and Use Groups noted.

Lot 1 would appear to comply with the minimum bulk requirements indicated, with one area of concern being noted. A permanent slope maintenance easement is indicated on the plan, within Lot 1, along Union Avenue. A review of the easement document indicates that, although this easement is permanent in nature, it is expressly intended to not encumber the property from development or use, but is rather intended to permit for permanent slope maintenance by the NYSDOT along the State highway. Given this specific language in the permanent easement, I question whether the area of this easement must be subtracted from the lot area. The Board should consult the Planning Board Attorney in this regard. If it is determined that the easement area must be subtracted, either the gross lot area must be increased or a variance must be obtained.

2. This subdivision plat involves the creation of three (3) new easements, two of which are within the Town of Newburgh. Easement No. 1 creates the permanent access easement for this site. Easement No. 2 creates an easement related to the permanent site improvements associated with the bank development for Lot 1. Easement No. 3, which is a grading easement is within the Town of New Windsor.

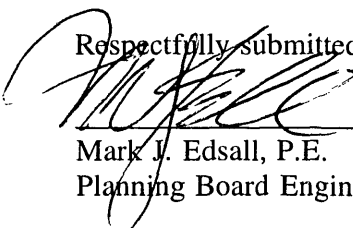
**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: WAL-MART MINOR SUBDIVISION
PROJECT LOCATION: NYS ROUTE 300 (UNION AVENUE)
SECTION 4-BLOCK 1-LOT 3
PROJECT NUMBER: 96-4
DATE: 28 FEBRUARY 1996

It is my recommendation that the New Windsor Planning Board contact the Town of Newburgh Planning Board by letter, requesting their input with regard to these easements and, at the same time, regarding the site improvements for the bank site plan which "overlap" into the Town of Newburgh. As has been done in the past with adjoining Municipal Boards, possibly the Newburgh Board will accept the easements and improvements in concept, granting the review and approval authority for same to the Town of New Windsor. I would be pleased to coordinate this issue and write the Town of Newburgh.

3. Other than the concerns noted above, I am aware of no further concerns with regard to this minor subdivision. Obviously, it is understood that the details for the development of Lot 1 and the potential environmental effects of the site plan development, are being reviewed as part of the Hudson Valley Federal Credit Union Application (96-3).
4. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
5. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
6. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:WALMART.mk

RESULTS OF P.B. MEETING

DATE: February 28, 1996

PROJECT NAME: Wal Mount Subdivision PROJECT NUMBER 26-4

* * * * *

LEAD AGENCY:

* NEGATIVE DEC:

M) 0 S) 11 VOTE: A 5 N 0

* M) S) VOTE: A N

CARRIED: YES ✓ NO

* CARRIED: YES: NO

* * * * *

PUBLIC HEARING: M) 0 S) 5 VOTE: A 5 N 0

WAIVED: YES ✓ NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Sent to T. of Newburgh - Mark will do

P.B. #96-4 Escrow

561-3695
SHAW ENGINEERING
744 BROADWAY, P.O. BOX 2569
NEWBURGH, NY 12550

8021

29-1/213

PAY
TO THE
ORDER OF

Town Of New Windsor

2/15 19 96 \$ 800.00

Eight Hundred 00/100

DOLLARS



FOR

⑈008021⑈ ⑆021300019⑆ 51510 00390⑈

P.B. #96-4 Application Fee

561-3695
SHAW ENGINEERING
744 BROADWAY, P.O. BOX 2569
NEWBURGH, NY 12550

8020

29-1/213

PAY
TO THE
ORDER OF

Town Of New Windsor

2/15 19 96 \$ 50.00

Fifty 00/100

DOLLARS



FOR

⑈008020⑈ ⑆021300019⑆ 51510 00390⑈



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 4

DATE PLAN RECEIVED: RECEIVED FEB 16 1996

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by _____
_____ for the building or subdivision of _____
WAL - MART has been
reviewed by me and is approved _____,
disapproved _____.

If disapproved, please list reason _____

HIGHWAY SUPERINTENDENT _____ DATE _____

WATER SUPERINTENDENT _____ DATE _____

[Signature] 3-26-96
SANITARY SUPERINTENDENT _____ DATE _____

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 28 February 1996
SUBJECT: Wal-Mart Store, Inc.

Planning Board Reference Number: PB-96-4
Dated: 16 February 1996
Fire Prevention Reference Number: FPS-96-012

A review of the above referenced subject site plan was conducted on 28 February 1996.

This site plan is acceptable.

Plans Dated: 1 February 1996.


Robert F. Rodgers; C.C.A.

RFR/dh



1763

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MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96-4

DATE PLAN RECEIVED: RECEIVED FEB 16 1996

The maps and plans for the Site Approval _____
Subdivision ✓ _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓ _____,
disapproved _____.

If disapproved, please list reason _____

W. James Sullivan 2/21/96
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 4

DATE PLAN RECEIVED: RECEIVED FEB 16 1996

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of
Wal-Mart _____ has been

reviewed by me and is approved ☒ _____,

~~disapproved~~ _____.

~~If disapproved, please list reason~~ _____

Water is available - meter pit near
Site - call water dept. for location of
water main -

HIGHWAY SUPERINTENDENT _____ DATE _____

Steve Dido (Amo-2-21-96)
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____

10. Tax Map Designation: Section 4 Block 1 Lot 3

11. General Description of Project: Subdivision of a 1.02 acre
parcel from a 11.75 acre parent parcel

12. Has the Zoning Board of Appeals granted any variances for
this property? yes X no.

13. Has a Special Permit previously been granted for this
property? yes X no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the
property owner, a separate notarized statement from the owner
must be submitted, authorizing this application.

STATE OF NEW YORK)

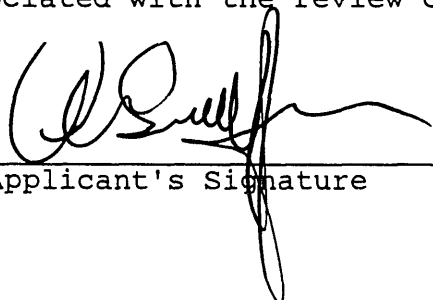
SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and
states that the information, statements and representations
contained in this application and supporting documents and
drawings are true and accurate to the best of his/her knowledge
and/or belief. The applicant further acknowledges responsibility
to the Town for all fees and costs associated with the review of
this application.

Sworn before me this

6th day of February 1996


Applicant's Signature


Notary Public

TOWN USE ONLY:

RECEIVED FEB 16 1996
Date Application Received

96 - 4
Application Number

96-4
RECEIVED FEB 16 1996

"XX"

APPLICANT'S PROXY STATEMENT
(for professional representation)

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

Wal-Mart Stores, Inc., deposes and says that ^{it} ~~he~~
(Applicant)
conducts business
~~resides at~~ 701 South Walton Blvd., Bentonville
(Applicant's Address)

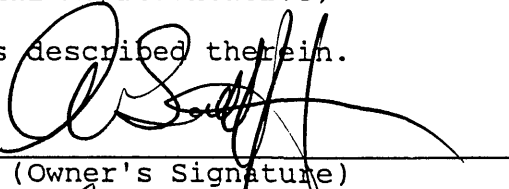
in the County of Bentonville
and State of Arkansas

and that ^{it} ~~he~~ is the applicant for the Subdivision for Wal-Mart
Stores, Inc.
(Project Name and Description)

which is the premises described in the foregoing application and
that he has authorized Gregory J. Shaw, P.E.
(Professional Representative)

to make the foregoing application as described therein.

Date: 2/6/96


(Owner's Signature)


(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

96-4

If Applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD
SUBDIVISION/LOT LINE CHANGE CHECKLIST

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. X Environmental Assessment Statement
- *2. X Proxy Statement
3. X Application Fees
4. X Completed Checklist

II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. X Name and address of Applicant.
- *2. X Name and address of Owner.
3. X Subdivision name and location.
4. X Tax Map Data (Section-Block-Lot).
5. X Location Map at a scale of 1" = 2,000 ft.
6. X Zoning table showing what is required in the particular zone and what applicant is proposing.
7. X Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. X Date of plat preparation and/or date of any plat revisions.
9. X Scale the plat is drawn to and North Arrow.
10. X Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. X Surveyor's certification.
12. X Surveyor's seal and signature.

*If applicable.

RECEIVED FEB 16 1996

13. X Name of adjoining owners.
14. N.A. Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
- *15. N.A. Flood land boundaries.
16. N.A. A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17. X Final metes and bounds.
18. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
19. X Include existing or proposed easements.
20. X Right-of-Way widths.
21. N.A. Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22. X Lot area (in square feet for each lot less than 2 acres).
23. N.A. Number the lots including residual lot.
24. N.A. Show any existing waterways.
- *25. N.A. A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26. To be provided Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27. N.A. Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including location, size and depths).
28. X Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

*If applicable.

29. N.A. Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
30. N.A. Provide "septic" system design notes as required by the Town of New Windsor.
31. X Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
32. X Indicate percentage and direction of grade.
33. X Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
34. X Provide 4" wide x 2" high box in area of title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.
35. X Indicate location of street or area lighting (if required).

RECEIVED FEB 16 1996

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. N.A. Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
37. N.A. A Disclosure Statement, in the form set below must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

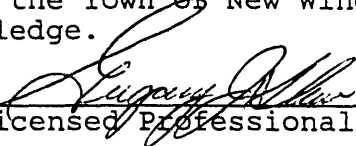
"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or lessor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: 
Licensed Professional

Date: FEB 2, 1996

PROJECT I.D. NUMBER

617.21

Appendix C

SEQR

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor).

1. APPLICANT /SPONSOR Wal-Mart Stores, Inc.	2. PROJECT NAME Subdivision for Wal-Mart Stores, Inc.
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) West side of Union Avenue immediately south of the Town Boundary Line.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Subdivision of a 1.02 Acre parcel from a 11.75 acre parent parcel.	
7. AMOUNT OF LAND AFFECTED: Initially <u>11.75</u> acres Ultimately <u>11.75</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <u>N.A.</u>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Wal-Mart Stores, Inc.</u> Date: <u>Feb. 1, 1996</u>	
Signature: <u><i>Eugene J. Miller</i></u> <u>Engineer For Applicant</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>If No, a negative declaration may be superseded by another involved agency.</p>
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="text-align: center;">No</p> <p>C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="text-align: center;">No</p>	
<p>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly</p>	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>Town of New Windsor Planning Board</p> <hr/> <p>Name of Lead Agency</p>	
<p style="text-align: center;">James Petro</p> <hr/> <p>Print or Type Name of Responsible Officer in Lead Agency</p>	<p style="text-align: center;">Chairman</p> <hr/> <p>Title of Responsible Officer</p>
<p style="text-align: center;">_____ Signature of Responsible Officer in Lead Agency</p>	<p style="text-align: center;">_____ Signature of Preparer (if different from responsible officer)</p>
<p>_____ Date</p>	